

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Thomas J. Siepmann, on 9/18/2008 .

#### **Examiner's Amendment to the Claims**

Cancel claims 6-7.

In claim 1, line 1, after "isolated DNA", delete ", which encodes the following protein (A) or (B):

(A) a protein comprising the amino acid sequence according to SEQ ID NO:2;

or

(B) a protein comprising an amino acid sequence derived from the amino acid sequence shown in SEQ ID NO:2 by deletion of 1-10 amino acids, addition of 1 to 10 amino acids, or substitution of 1 to 10 amino acids and having growth-promoting function", and substitute therefor --- which encodes a protein comprising the amino acid sequence according to SEQ ID NO:2. ---.

In claim 5, line 1, after "transformant", delete " which is ", and substitute therefor --- , which is an acetic acid bacterium belonging to the genus *Acetobacter* or the genus *Gluconacetobacter* ---.

In claim 8, line 2, delete "microorganism according to claim 6 or 7", and substitute therefor --- transformant according to claim 5 ---.

In claim 8, line 3, delete "microorganism" and substitute therefor --- transformant ---.

The following is an **Examiner's Statement of Reasons for Allowance**:

Claims 2-5 and 8 are directed an isolated DNA encoding a full-length protein with growth promoting function in acetic acid bacteria, vectors and acetic acid bacteria transformants comprising said DNA as well as a method of producing vinegar utilizing said transformants.

Claimed DNA sequence is free of prior art. Further the prior art fails to teach such specifically claimed DNA sequence. Hence said DNA sequence is both novel and non-obvious.

Since said DNA sequence is both novel and non-obvious, vectors and transformants comprising said DNA and a method of use of said transformants as specifically claimed, are also novel and non-obvious.

**Claims 2-5 and 8 are allowed.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maryam Monshipouri whose telephone number is (571)

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272-0932. The examiner can normally be reached on Tues.-Fri., from 7:00 a.m to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleene Kerr Bragdon can be reached on (571) 272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maryam Monshipouri/

Primary Examiner, Art Unit 1656

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